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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/819,925	03/28/2001	B. Mark Hirst	10004411-1	6060

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EXAMINER

TRAN, HOAN H

ART UNIT PAPER NUMBER

2852

DATE MAILED: 03/07/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/819,925

Applicant(s)

HIRST ET AL.

Examiner

Hoan H. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: .

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because it contains legal phraseology such as “comprises” in lines 2 and 4. Correction is required. See MPEP § 608.01(b).

Claim Objections

2. Claims 11, 15 and 17 are objected to because of the following informalities:
 - Claim 11 appears to be depended on claim 10, not 11 as claimed.
 - Claim 15 appears to be depended on claim 14, not 15 as claimed.
 - Claim 17 appears to be depended on claim 16, not 17 as claimed.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C.

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122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-7, 10, 11, 14-17 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Tange ['741].

Tange discloses an image forming apparatus comprising an image fixing apparatus [See Fig. 1] having a fixing roller [1] including an outer silicon rubber layer [12]; a pressure roller [2] in contact with said fixing roller [Col. 4, lines 17-18], said pressure roller comprising a hollow tube [21], an outer elastic layer [22] and an internal heating element [23] such as halogen heater; and an external heating roller [3] in contact with said fixing roller [Col. 4, lines 20-24], said external heating roller comprising a hollow tube [31] and an internal heating element [33] such as halogen heater.

Regarding claim 2, Tange discloses the fixing roller comprises a hollow tube [Col. 2, line 28] and an internal heating element [Col. 1, lines 40-42].

Regarding claim 20, the claimed method steps are inherited in the product structure.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 8, 12 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tange in view of Isogai ['060].

Tange, as discussed above, discloses the claimed invention except for the internal heating elements comprise tungsten filament halogen lamps.

Isogai discloses an image forming apparatus comprising a fixing device [24] having tungsten-halogen heating lamp [32] as a heating source [Col. 4, lines 26-27].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the internal heating elements disclosed by Tange comprise tungsten-halogen heating lamps as taught by Isogai for the purpose of providing sufficient heat to the fixing apparatus during the fixing process.

8. Claims 9, 13 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tange in view of Ciaschi et al. ['740]

Tange, as discussed above, discloses the claimed invention except for a second heating roller external to and in contact with the pressure roller.

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Ciaschi et al. disclose a fixing device [Fig. 4] having a second heating roller [46] external to and in contact with the pressure roller [48].

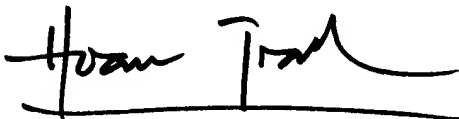
It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the image fixing apparatus disclosed by Tange including a second heating roller external to and in contact with the pressure roller as taught by Ciaschi et al. for the purpose of fixing toner images on both sides of the recording medium in a single pass.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoan H. Tran whose telephone number is (703) 305-3523. The examiner can normally be reached from 8:30 AM - 5:00 PM Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Arthur Grimley can be reached at (703) 308-1373. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722/7724, or (703) 305-3431/3432 for regular and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

A handwritten signature in black ink, appearing to read "Hoan Tran", with a horizontal line drawn underneath the name.

HHT
March 06, 2002